

ASSIGNMENT 1

Textbook Assignment: "General Administration," chapter 1, pages 1-3 and 1-7; "Legal Research," chapter 2, pages 2-14 through 2-18; "Pretrial Matters," chapter 6, pages 6-23 through 6-26, 6-34 and 6-35, and 6-40 through 6-46; "Administrative Separations," chapter 9, pages 9-14 and 9-15; "Delivery of Personnel," chapter 10, pages 10-9 through 10-11.

IN ANSWERING QUESTIONS 1-1 AND 1-2, REFER TO CHAPTER 1, PAGES 1-3 AND 1-7.

1-1. Naval writing standards and sample letters may be found in which of the following publications?

1. MILPERSMAN
2. *Correspondence Manual*
3. SECNAVINST 5210.11D
4. SECNAVINST 5215.1C

1-2. The content and format elements of a letter-type directive are contained in what table of the SECNAVINST 5215.1C?

1. Table 1
2. Table 2
3. Table 3
4. Table 4

IN ANSWERING QUESTIONS 1-3 THROUGH 1-16, REFER TO CHAPTER 2, PAGES 2-14 THROUGH 2-18.

1-3. Into what total number of categories are legal reference materials classified?

1. One
2. Two
3. Three
4. Four

1-4. Which of the following sources of information are published by jurisdiction, either chronologically or in compilations called codes?

1. Regulations
2. Court decisions
3. Digests
4. Statutes

1-5. Federal regulations are officially published in what publication?

1. *Statutes at Large*
2. *Federal Register*
3. *United States Code*
4. *Code of Federal Regulations*

1-6. When legal research is conducted, which of the following publications is considered a primary source?

1. *American Jurisprudence Second*
2. *Federal Digest*
3. *Federal Register*
4. *Prosser on Torts*

1-7. Which of the following items are aids in helping locate the information contained in primary sources?

1. Statutes
2. Finding tools
3. Secondary sources
4. Regulations

1-8. Which of the following publications would best help a legal researcher determine the history or status of a case?

1. *Words and Phrases*
2. *Corpus Juris Secundum*
3. *Uniform System of Citations*
4. *Shepard's Citations*

- 1-9. Which of the following is NOT a function of *Shepard's Military Justice Citations*?
1. To find the law on all sides of an issue
 2. To trace the judicial history of each reported case
 3. To find later cases that have cited the main case
 4. To find citations to the case in other authorities such as periodicals and the Attorney General's opinions
- 1-10. Which, if any, of the following sources is considered secondary?
1. Words and phrases
 2. Periodicals
 3. Digests
 4. None of the above
- 1-11. Which of the following publications contains only decisions of COMA?
1. *Court-Martial Reports*
 2. *Military Justice Reporter*
 3. *United States Code*
 4. *Decisions of the United States Court of Military Review*

(A)	(B)	(C)	(D)	(E)	(F)
U.S. V. Lamb, 6 M.J. 542 (NCMR 1978)					

Figure 1A

IN ANSWERING QUESTIONS 1-12 THROUGH 1-14, REFER TO THE LETTERED ELEMENTS IN FIGURE 1A.

- 1-12. What element of the citation indicates the publication where the case can be found?
1. A
 2. B
 3. C
 4. E
- 1-13. The court that decided the case can be identified by what element(s)?
1. A only
 2. E only
 3. A and E
 4. C

- 1-14. The place where the case can be found in the cited publication is identified by what element(s)?
1. A
 2. B only
 3. D only
 4. B and D
- 1-15. FLITE is operated by which of the following government agencies?
1. Department of Justice
 2. Department of the Navy
 3. Department of the Air Force
 4. Department of Defense
- 1-16. Which of the following items is NOT a service provided by FLITE?
1. Supplies legal opinions and memorandums
 2. Creates and maintains full-text data bases of legal information
 3. Provides computer-assisted research to all federal agencies
 4. Produces and distributes computer-generated research tools such as indexes, digests, and citations

IN ANSWERING QUESTIONS 1-17 THROUGH 1-20, REFER TO CHAPTER 6, PAGES 6-23 THROUGH 6-26.

- 1-17. Under which of the following conditions may a warrant of attachment be issued?
1. When a witness cannot be located
 2. When a witness is located overseas
 3. When a witness has refused or willingly neglected to appear at the time and place specified on a subpoena
 4. When the witness is a foreign national in a foreign country

1-18. When a DOD civilian witness is directed to appear at a court-martial, what form(s) should be sent to the witness?

1. Subpoena
2. Cost travel orders
3. Both 1 and 2 above
4. No-cost travel orders

1-19. What person/personnel is/are responsible for the computation and payment of travel money to witnesses?

1. CO, NLSO
2. Trial counsel
3. Convening authority
4. Disbursing personnel

1-20. A naval member is required to testify in a federal case where the interest of the Navy is concerned. Who will direct the witness' command to issue TAD orders to the member?

1. OEGCMJ
2. BUPERS
3. Concerned federal agency
4. Attorney General

IN ANSWERING QUESTIONS 1-21 THROUGH 1-28, REFER TO PAGES 6-34 AND 6-35.

1-21. What official conducts the pretrial confinement review?

1. Military magistrate
2. Brig officer
3. Initial reviewing officer (IRO)
4. Investigating officer

1-22. If the IRO orders the immediate release of an accused from pretrial confinement, what option, if any, does the accused's commanding officer have in ensuring the accused's continued confinement?

1. Overrule the order to release
2. Appeal the order to release to the next higher authority
3. Order a new hearing
4. Do nothing because the order to release is final and binding

1-23. Permission to continue pretrial confinement in excess of 30 days must be obtained from which of the following officials?

1. Trial counsel
2. OEGCMJ
3. CA
4. IRO

1-24. An IRO must be an officer serving in what minimum paygrade?

1. 05
2. 02
3. 03
4. 04

1-25. In which of the following manners may an accused present matters to the IRO?

1. In person
2. Through written statements
3. Through his or her appointed counsel
4. Each of the above

1-26. The IRO'S memorandum and all documents considered in a case are maintained until which of the following events occurs?

1. The accused is released from pretrial confinement
2. Conclusion of the court-martial
3. Completion of appellate review
4. The 2-year retention period for records expires

1-27. If an IRO orders an accused released from pretrial confinement, what authority will issue the release order?

1. Accused's CO
2. IRO
3. OEGCMJ
4. Brig officer

- 1-28. An IRO maintains the authority to continue or release an accused from pretrial confinement up to and until what event?
1. Preferral of charges
 2. Referral of charges
 3. Completion of trial
 4. Sentencing

IN ANSWERING QUESTIONS 1-29 THROUGH 1-33, REFER TO PAGES 6-40 THROUGH 6-46.

- 1-29. The chain of custody of an item of evidence is maintained up and until what event?
1. The evidence is released to the court for trial
 2. Completion of the court-martial
 3. The evidence is disposed of
 4. The review process for the court-martial that the evidence was used in is completed
- 1-30. U.S. v. Solaria decided what issue regarding jurisdiction?
1. That jurisdiction continues into subsequent enlistments
 2. That jurisdiction over an offense terminates at the conclusion of an enlistment
 3. That off-base offenses must be service connected in order for the military to have jurisdiction
 4. That a member's status as a person subject to the UCMJ was the test for court-martial jurisdiction
- 1-31. Normally, what number of interviewers should be present when conducting an interview of a witness?
1. One
 2. Two
 3. Three
 4. Four

- 1-32. What are the two classifications of interviews?
1. Indirect and direct
 2. Formal and informal
 3. Brief and intensive
 4. Initial and follow-up

- 1-33. When you are conducting an interview, which of the following individuals should be interviewed first?

1. Witnesses
2. Victims
3. Complainants
4. Suspects

IN ANSWERING QUESTIONS 1-34 THROUGH 1-40, REFER TO PAGES 9-14 AND 9-15.

- 1-34. Which of the following statements is correct concerning administrative discharge warnings?

1. A violation of any administrative discharge warning in a member's service record is grounds for separation processing
2. A member may have only one administrative discharge warning per enlistment
3. If a member refuses to sign an administrative discharge warning, a letter of reprimand must be issued in its place
4. Counseling must be accomplished by the member's parent command

- 1-35. A counseling/warning entry may be delivered in which of the following formats?

1. Orally
2. Page 13 entry
3. Letter
4. Both 2 and 3 above

- 1-36. If a member refuses to sign an administrative discharge warning, what action should be taken?
1. The CO must issue a formal letter of reprimand
 2. The counselor must make a notation to that effect and have the entry signed by an officer
 3. The counselor must make a notation to that effect and have the entry initialed by himself or herself and two witnesses
 4. The warning is annotated with the words *refused to sign* and two witnesses must sign the entry
- 1-37. Which of the following actions by the counseled member violates the terms of a page 13 administrative discharge warning?
1. Deficiencies in performance
 2. Further military misconduct
 3. Civilian conviction
 4. Each of the above
- 1-38. Unknown misconduct discovered after the execution of an administrative discharge warning will make the page 13 null and void.
1. True
 2. False
- 1-39. What official(s) may sign an administrative discharge warning?
1. CO only
 2. CO or XO only
 3. CO, XO, or legal officer only
 4. CO or anyone with "by direction" authority
- 1-40. What person must sign as a witness on an administrative discharge warning?
1. The person who counseled the member
 2. CO
 3. Legal officer
 4. Counseled member's defense counsel
- IN ANSWERING QUESTIONS 1-41 THROUGH 1-50, REFER TO PAGES 10-9 THROUGH 10-11.
- 1-41. Service of process may not be allowed within a command without the permission of what official?
1. Legal officer
 2. The member being served
 3. CO
 4. OEGCMJ
- 1-42. What is meant by the term *service of process*?
1. The delivery of a request to appear before a certain civil court
 2. The handing of a court order to a person directing him or her to appear or answer allegations before a civil court
 3. The delivery of a court's judgment of civil action to an affected party
 4. The delivery of an affidavit by a member of a civil court
- 1-43. Where service of process is concerned, personnel located on a vessel operating within the territorial waters of a state are considered within the jurisdiction of that state.
1. True
 2. False
- 1-44. When within the jurisdiction of the court issuing the process, what responsibility does a CO have regarding service of process on a member of his or her command?
1. To ensure the nature of the process is explained to the member
 2. To review the legality of the service
 3. To provide counsel to the member being served before service
 4. To ensure the member is advised that he or she need not accept service

- 1-45. A member of your command is served with a state court process arising from activities relating to his or her official duties. What reporting requirements must be met by your CO?
1. The OEGCMJ must be advised and provided the details of the request
 2. The CO of the servicing NLSO must be advised immediately
 3. JAG must be notified by phone and forwarded a copy of the process and pleadings
 4. SECNAV (JAG) must be notified via telephone for direction
- 1-46. Requests for Justice Department representation of a federal employee sued in his or her individual capacity arising from activities performed in the course of official duties must be submitted to what official or department?
1. Attorney General
 2. Justice Department
 3. COMNAVLEGSVCCOM
 4. JAG
- 1-47. If a CO refuses to allow the service of process on a member of his or her command, a report is made to what official or department?
1. CO, NLSO
 2. SECNAV (JAG)
 3. OEGCMJ
 4. Justice Department
- 1-48. A member receives a subpoena to appear in federal court to testify in a case where DON interests are involved. Costs associated with the member appearing are the responsibility of what command or agency?
1. JAG
 2. SECNAV
 3. Member's command
 4. Concerned federal agency
- 1-49. In which, if any, of the following types of cases may a subpoenaed prisoner be released to testify?
1. A state criminal case
 2. A state civil case
 3. A federal civil case
 4. A small claims court case
- 1-50. Which of the following statements is correct concerning members serving on local jury duty?
1. They must take leave in order to receive reimbursement for transportation expenses
 2. All fees accrued by the member for jury service are deductible from basic pay
 3. The only reimbursement a member may receive is for expenses incurred while performing jury duty
 4. The member is not entitled to any fees or reimbursement for expenses